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14 December 2009

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Russia: Residence registration system; official procedures to change registration; whether registration is required to access government services; police treatment of ethnic minorities and unregistered persons; regional restrictions on registration, particularly in Moscow, St. Petersburg and Yekaterinburg
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Article 27, paragraph 1 of the 1993 Constitution states, "Everyone who legally stays in the territory of the Russian Federation shall have the right to free travel, choice of place of stay or residence" (Russia 25 Dec. 1993). Non-governmental organizations (NGOs) and academic sources indicate that under the Soviet Union's *propiska* system, Soviet citizens had to apply to the state for permission to change their residency (FIDH/Memorial July 2008, 27; IDMC June 2008, 13; Assistant Professor 24 Nov. 2009). This system was replaced with a system of "registration" in 1993, whereby legal residents are theoretically free to choose their place of residence but are required to inform authorities (*ibid.*; FIDH/Memorial July 2008, 27; Russia 25 June 1993). According to an academic source, the system is referred to as *registratsiia* in Russian, although many Russians continue to use the term *propiska* in an informal context (Assistant Professor 24 Nov. 2009).

Various sources indicate that even though Russian laws stipulate that legal residents have the right to choose their place of residence, restrictions on the process of residence registration have made it difficult or impossible for some people to register when they move to a new location (*ibid.*; US 25 Feb. 2009, Sec. 2; FIDH/Memorial July 2008, 27; UN 22 Sept. 2008, Para. 22).

Procedures

Two sources state that in order to register at a new location, applicants must first cancel the registration at their previous residence (IDMC June 2008, 14; Russia 10 Nov. 2009). Several sources indicate that people must register their new location within 90 days of moving (Assistant Professor 24 Nov. 2009; Canada 24 Nov. 2009; CAC 17 Nov. 2009; *The St. Petersburg Times* 6 June 2008; US 25 Feb. 2009, Sec. 2; Country of Return Information Project May 2009). In order to register, applicants must submit proof of ownership (Canada 24 Nov. 2009; Russia 10 Nov. 2009; Assistant Professor 24 Nov. 2009), a signed tenancy agreement (*ibid.*; ANNA Center 20 Nov. 2009), or an agreement for registration with relatives or friends (Russia 10 Nov. 2009; Canada 24 Nov. 2009; IDMC June 2008, 14). Registration is processed by local law enforcement authorities (Assistant Professor 24 Nov. 2009; Russia 10 Nov. 2009; FIDH/Memorial July 2008, 27). Residence registration is stamped in the internal passport (IDMC June 2008, 13; *The St. Petersburg Times* 6 June 2008; Russia 10 Nov. 2009).

In 24 November 2009 correspondence with the Research Directorate, an assistant professor of criminology at the University of Toronto, who has extensively researched post-Soviet migration policies, stated that even though the registration procedure is meant to be "informational" and therefore not subject to official refusal, "there are both formal and informal restrictions in place that sometimes make it difficult or impossible to comply with the requirement." Academic and NGO sources report that tenants can face difficulties registering at their rental addresses because landlords are often reluctant to submit rental agreements (Assistant Professor 24 Nov. 2009; Woodrow Wilson Center for Scholars Jan. 2008; IDMC June 2008, 14). Some landlords will avoid submitting the needed paperwork in order to avoid paying taxes on the income generated by the rental (*ibid.*; Assistant Professor 24 Nov. 2009). According to the NGO Internal Displacement Monitoring Centre (IDMC), some tenants are asked to pay utilities one year in advance in order to obtain registration even though this practice is not legal (June 2008, 13).

Access to governmental services

There are two types of registration: temporary and permanent (Canada 24 Nov. 2009; Assistant Professor 24 Nov. 2009; IDMC June 2008, 14). According to the Canadian Embassy in Moscow and the IDMC, temporary registration formally allows a person to reside in a specific region for a set period of time (Canada 24 Nov. 2009;

IDMC June 2008, 14). People with temporary registration are reportedly allowed to receive emergency healthcare, but few other services (Canada 24 Nov. 2009; Assistant Professor 24 Nov. 2009).

According to Russian law, "Registration or non-registration may not serve as a ground or condition for the implementation of the rights and freedoms of citizens" (Russia 25 June 1993, Art. 3). However, the United Nations (UN), media and NGO sources report that many rights and benefits depend on permanent registration (UN 22 Sept. 2008, Para. 22; CAC 17 Nov. 2009; *The Christian Science Monitor* 8 Jan. 2008; IDMC June 2008, 15). Social services are administered by regional authorities (CAC 17 Nov. 2009; Assistant Professor 24 Nov. 2009). According to a variety of sources, permanent registration is required to access health care services (ANNA Center 20 Nov. 2009; CAC 19 Nov. 2009; IDMC June 2008, 8; Russia 10 Nov. 2009; Canada 24 Nov. 2009; Assistant Professor 24 Nov. 2009; Country of Return Information Project May 2009, 85, 87), to vote in elections (IDMC June 2008, 8; Canada 24 Nov. 2009), to collect unemployment benefits (IDMC June 2008, 8-9; Country of Return Information Project May 2009, 72), to receive a pension, to open a bank account (IDMC June 2008, 8-9), to get a private bank loan (Country of Return Information Project May 2009, 50), to qualify for housing programs (IDMC June 2008, 8-9; Country of Return Information Project May 2009, 45), to agree to a contract (Assistant Professor 24 Nov. 2009) and to receive social service benefits (Russia 10 Nov. 2009; ANNA Center 20 Nov. 2009; *The Christian Science Monitor* 8 Jan. 2008).

People without registration often face difficulties finding employment (ibid.; Russia 10 Nov. 2009; *The St. Petersburg Times* 6 June 2008; Assistant Professor 24 Nov. 2009; IDMC June 2008, 8) and housing (*The Christian Science Monitor* 8 Jan. 2008; Country of Return Information Project May 2009, 16; Assistant Professor 24 Nov. 2009). Two sources indicate that in most cases, unregistered children are able to attend school (ibid.; Canada 24 Nov. 2009). In 17 November 2009 correspondence with the Research Directorate, the Chair of the Civic Assistance Committee (CAC), a Moscow-based NGO which provides assistance to refugees and migrants, stated that many employers are reluctant to hire people without registration but that "the law does not prohibit it" (CAC 17 Nov. 2009). The Director of the NGO ANNA--National Center for the Prevention of Violence, noted that residency registration is required to access state-sponsored crisis centres for survivors of domestic violence (20 Nov. 2009).

In some cases, people do not have registration anywhere in Russia, making it impossible for them to access their rights (CAC 17 Nov. 2009; *The Christian Science Monitor* 8 Jan. 2008). According to *The Christian Science Monitor*, some Russians find themselves without registration after being released from jail or orphanages, or lose registration because of family disputes (8 Jan. 2008). The Chair of the CAC also noted that people who were out of town or serving prison sentences have sometimes been withdrawn from registration due to a request from a neighbour or relative (CAC 19 Nov. 2009). This information could not be corroborated among the sources consulted by the Research Directorate within the time constraints of this Response.

Police treatment of ethnic minorities and unregistered persons

Sources report that ethnic and racial minorities are subject to "discrimination" when attempting to register their residences (Assistant Professor 24 Nov. 2009; UN 22 Sept. 2008, Para. 22; FIDH/Memorial July 2008; Country of Return Information Project May 2009, 16). The UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern that Chechens and others from the Caucasus, as well as Roma, Meshketian Turks, Yezidis, Kurds and Hemshils in Krasnodar Krai, Tajiks, non-citizens, asylum-seekers and refugees have experienced difficulties getting police to grant residency registration (UN 22 Sept. 2008). The IDMC reports that Chechens and other internally displaced persons (IDPs) experience difficulties obtaining permanent registration (June 2008, 14). The Assistant Professor stated, "Ethnic Chechens frequently find it impossible to register their residence elsewhere in Russia, or else face unlawful requirements not applied to other Russian citizens, including the extortion of large bribes to complete the registration formalities" (24 Nov. 2009). He further reported that other ethnic groups have also experienced some "hostility" or "discrimination" when trying to secure registration (Assistant Professor 24 Nov. 2009). In their joint report *Forced Evictions and the Right to Housing of Roma in Russia*, the International Federation for Human Rights (Fédération internationale des ligues des droits de l'homme, FIDH) and the Russian NGO Memorial similarly report widespread corruption among police in granting registration to ethnic minorities in Russia, particularly in cases involving Roma (July 2008, 27). According to the Chair of CAC, Yezidis, Kumanch, and other ethnic minorities in Krasnodar Territory do not have registration "in their own houses" and cannot obtain passports, even though they qualify as Russian citizens according to the law (19 Nov. 2009).

NGO and media sources indicate that unregistered persons may be subject to harassment by the police (IDMC June 2008, 13; FIDH/Memorial July 2008, 27; *The Christian Science Monitor* 8 Jan. 2008). The United States (US) Department of State's *Country Reports on Human Rights Practices for 2008* indicates that in 2008 there were reports that police demanded bribes when processing or checking registration documents and that ethnic minorities from the Caucasus and Central Asia are targeted by authorities for document checks (US 25 Feb. 2009, Sec. 2). The FIDH/Memorial report indicates that police on patrol are permitted to arrest, detain, fine, and search the homes of unregistered persons (FIDH/Memorial July 2008, 27; see also Assistant Professor 24 Nov. 2009). According to the FIDH/Memorial report, Roma are particularly targeted by police for

mistreatment during document checks (July 2008, 27-28). The IDMC indicates that Chechens have also been targeted by police, who sometimes conduct checks to verify that the Chechens reside at their address of registration (IDMC June 2008, 14). According to the IDMC, these police checks are not as frequent as in the past, but still occur in Moscow, St. Petersburg, Rostov and Volgograd (ibid.). The Assistant Professor stated, "racist attitudes and behaviour are endemic within the Russian police and are not subject to effective restraint either by federal or regional authorities, which, on the contrary, frequently encourage such behaviour" (24 Nov. 2009). The FIDH/Memorial report also notes that federal authorities do not intervene with local authorities to stop restrictions on registration (FIDH/Memorial July 2008, 27).

Regional restrictions on registration

Some regional governments in Russia have registration requirements that do not comply with federal laws (IDMC June 2008, 14; FIDH/Memorial July 2008, 27; Assistant Professor 24 Nov. 2009; Freedom House 2009). According to the Assistant Professor, the Russian constitutional court has condemned regional statutes that restrict registration, but a number of regional governments continue to restrict registration through informal means, such as "unpublished instructions to the police" (24 Nov. 2009). He argues that because of the restrictive registration policies in Moscow and in some other major cities in Russia, "the most desirable parts of the country for residence--those with the best employment opportunities, social services, educational system, and other amenities--are in practice those that are the least accessible for registration" (Assistant Professor 24 Nov. 2009).

Registration restrictions in Moscow

The Canadian Embassy in Moscow and the Assistant Professor indicate that registration may be more difficult to obtain in Moscow than in many other regions in Russia (Canada 24 Nov. 2009; Assistant Professor 24 Nov. 2009). In 24 November 2009 correspondence with the Research Directorate, an official at the Canadian Embassy in Moscow stated that it "can be more complicated" to acquire registration in Moscow, but that when the timeframe to register was increased from 3 days to 90 days, it made it easier for individuals to get the required paperwork in order (Canada 24 Nov. 2009). According to the Assistant Professor, Moscow is one of "the worst offenders with respect to unconstitutional registration restrictions" (24 Nov. 2009). He reports that in Moscow, police patrol streets, transit and public places and also raid residences and workplaces in order to locate unregistered persons (Assistant Professor 24 Nov. 2009). He further stated that people who don't have a registration stamp in their passports may be arrested, abused, or face demands for bribes (ibid.). *The Christian Science Monitor* similarly notes that without a registration stamp, people can be arrested and deported from Moscow by the police (8 Jan. 2008). The Chair of the CAC indicated that former refugees from Azerbaijan, who were housed in hotels and hostels in Moscow in the beginning of the 1990s, were not given official registration and are now being evicted from their housing; they have been unable to receive any social assistance or medical care (CAC 19 Nov. 2009).

Registration restrictions in St. Petersburg

Information about registration restrictions in St. Petersburg was scarce among the sources consulted by the Research Directorate. According to the Assistant Professor, St. Petersburg is "less problematic" than Moscow, but individual applicants may still encounter problems with registration (Assistant Professor 24 Nov. 2009). The IDMC indicates that St. Petersburg is a city where police continue to check Chechens' residences (IDMC June 2008, 14). According to the Country of Return Information Project, a project funded by the European Community, regional housing programs in St. Petersburg are accessible only to those with a minimum of 10 years' registration in the city (May 2009, 45).

Registration restrictions in Yekaterinburg

Information about registration restrictions in Yekaterinburg was scarce among the sources consulted by the Research Directorate. The Chair of CAC provided an example of a case where a woman in Yekaterinburg was fined because she was not registered at her husband's home, where she lived, even though her legal registration was at the next apartment block (CAC 19 Nov. 2009; ibid. 17 Nov. 2009). However, the court cancelled her fine (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to reach representatives at the International Organization for Migration (IOM), and the Centre for Ethnopolitical and Regional Studies, were unsuccessful within the time constraints of this Response. A representative of the Internal Displacement Monitoring Centre (IDMC) was unable to provide information.

Internet sites, including: Amnesty International (AI), European Country of Origin Network (ecoi.net), Human Rights Watch (HRW), International Crisis Group, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld, Radio Free Europe/Radio Liberty (RFE/RL), U.S. Committee for Refugees and Immigrants (USCRI).

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